IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 19325 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA Sd/-

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? 1 to 5 NO

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VAGHELA KALABEN LAXMANBHAI - Petitioner(s)
Versus
A.M.C. & 2 - Respondent(s)

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Appearance :
MR MB RANA for Petitioner(s) : 1,
MR SATYAM Y CHHAYA for Respondent(s) : 1,
MR DG SHUKLA for NANAVATI & NANAVATI for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 17/04/2006

ORAL JUDGMENT

1. Rule. Mr. Chhaya, learned Advocate, waives service of Rule on behalf of respondent No.1. Mr. D.G.Shukla, learned Advocate for Nanavati and Nanavati, waives service of Rule on behalf of Respondent No.2. At the joint request of the learned advocates appearing for the parties, the petition is taken up for final disposal today.

2. The case of the petitioner is that she suffers from cardiac ailment and, therefore, she was under treatment at V.S.Hospital, Ahmedabad since 2003. On 11.4.2004, an emergency developed and the petitioner had serious chest pain. She was, therefore, rushed to SAL Hospital, which was nearest available hospital for heart care. She had to undergo emergency heart surgery on 12.4.2004 at the said hospital. She remained in that hospital as an indoor patient from 11.4.2004 to 21.4.2004.

3. The petitioner who is an employee of the respondent No.3-Hospital, upon completion of the treatment, presented medical bills for the expenditure incurred by her for the said treatment. The claim for medical reimbursement was not accepted by the respondents. It is the case of the respondents that, as per the then prevailing policy, the petitioner could not have taken the said treatment at a private hospital when such treatment was available in government hospitals.

4. There is no serious dispute about the fact that the petitioner had to undergo the said treatment on 12.4.2004. The case of the petitioner is that she was forced to take treatment at SAL hospital as there was medical emergency and SAL hospital was the nearest available hospital equipped with all

facilities to treat such ailment.

5. In the above facts, the respondents may consider granting medical reimbursement to the petitioner as a special case, if powers to do so are available; at least, for the amount up to which rules and regulations would otherwise permit such reimbursement. Admittedly, the cases of such petitioners are recommended in several orders of this Court, for sympathetic and special consideration.

6. In view of the above factual position and the requirement of fresh consideration of the case of the petitioner by the respondents, it is directed that the respondents shall treat the present petition as a representation of the petitioner and take decision expeditiously and preferably within a period of four weeks from the date of receipt of copy of this order. With these directions, the petition is disposed of. Rule is made absolute to the aforesaid limited extent. Direct service is permitted.

Sd/-

(D.H.WAGHELA, J.)

(KMG Thilake)